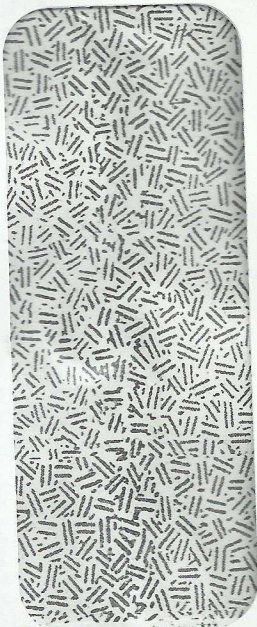


U.S. OFFICIAL MAIL  
PENALTY FOR  
PRIVATE USE \$300  
USPOSTAGE  
\$00.408  
APR 03 2018  
ZIP 30024  
000882  
21 8999955



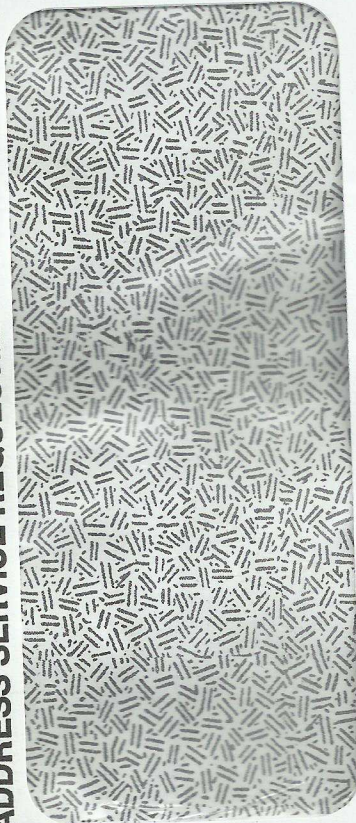
PRESORTED  
FIRST CLASS



---

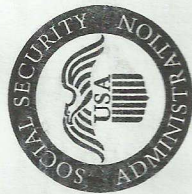
**OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300**

**ADDRESS SERVICE REQUESTED**



SSA0001E





Securing today  
and tomorrow

SSA ODAR  
Suite 330  
280 S First St  
San Jose, CA 95113

# 000007382 I=000000 0330 IP CIT



7378 2 MB 0.421



Kathleen M Gold  
44043 Gadsden Ave  
Lancaster, CA 93534







## SOCIAL SECURITY ADMINISTRATION

Office of Disability Adjudication and Review  
Suite 330  
280 S First St  
San Jose, CA 95113-3005

Date: April 4, 2018

Kathleen Marie Gold  
44043 Gadsden Ave  
Lancaster, CA 93534

### Notice of Dismissal

I am dismissing your request for a hearing. Please read this notice and the enclosed Order of Dismissal.

#### If You Disagree With My Order Of Dismissal

If you disagree with my order, you may file an appeal with the Appeals Council. You may also ask me to vacate, or set aside, my order. Asking me to vacate my Order of Dismissal does not extend your time to file an appeal with the Appeals Council.

#### How To File An Appeal

To file an appeal, you must ask in writing that the Appeals Council review my Order of Dismissal. You may use our Request for Review form (HA-520) or write a letter. The form is available at [www.socialsecurity.gov](http://www.socialsecurity.gov). Please put the Social Security number shown above on any appeal you file. If you need help, you may file in person at any Social Security or hearing office.

Form HA-L41 (11-2011)

#### Suspect Social Security Fraud?

Please visit <http://oig.ssa.gov/r> or call the Inspector General's Fraud Hotline  
at 1-800-269-0271 (TTY 1-866-501-2101).

See Next Page



Please send your request to:

**Appeals Council  
Office of Disability Adjudication and Review  
5107 Leesburg Pike  
Falls Church, VA 22041-3255**

### **Time Limit To File An Appeal**

You must file your written appeal **within 60 days** of the date you get this notice. The Appeals Council assumes you got this notice 5 days after the date of the notice unless you show you did not get it within the 5-day period.

The Council will dismiss a late request unless you show you had a good reason for not filing it on time.

### **What Else You May Send Us**

You may send us a written statement about your case. You may also send us new evidence. You should send your written statement and any new evidence **with your appeal**. Sending your written statement and any new evidence with your appeal may help us review your case sooner.

### **How An Appeal Works**

The Appeals Council will consider whether your case should have been dismissed. It may consider your entire case. The rules the Appeals Council uses are in the Code of Federal Regulations, Title 20, Chapter III, Part 404 (Subpart J). The Appeals Council may review my order of dismissal for reasons not stated in your appeal.

The Appeals Council may:

- Deny your appeal,
- Return your case to me or another administrative law judge for a new decision,
- Issue its own decision, or
- Dismiss your case.

The Appeals Council will send you a notice telling you what it decides to do.

### **When There Is No Appeals Council Review**

If you do not appeal, the Appeals Council does not review my Order of Dismissal on its own, and I do not set aside my order, the action upon which you requested a hearing cannot be changed except under special circumstances.

### **Your Right To Representation In An Appeal**

If you appeal, you may choose to have an attorney or other person help you. Many



0000000000000000CP00801803300571500109143



On March 19, 2018, claimant called the hearing office stating that she will not be attending her hearing (Exhibit 17E). Also on March 19, 2019, the claimant sent a FAX transmittal to the hearing office again indicating that she would not be attending her hearing (Exhibit 18E, page 3) and 18E).

The claimant did not appear at the hearing scheduled for March 20, 2018 at 12:30 PM Pacific-time.

On March 29, 2018, hearing office staff performed an address and phone number search using the CSR, FACT, and MDW queries in the Social Security Administration databases, which confirmed that the claimant's address and phone number have not changed and that the Notice of Hearing and the Reminder Notice were each sent to the claimant's most recent address on file with the Administration (Exhibit 8D).

On March 29, 2018, hearing office staff performed a search of the Social Security Administration's Prisoner Update Processing System (PUPS) but no records were found to indicate that the claimant was incarcerated at any time relevant to this dismissal. (Exhibit 8D).

A Consolidated Claimant Contact Report summarizes the efforts made by hearing office staff to locate and contact the claimant (Exhibit 11B).

As outlined above, the claimant did not return the acknowledgment form sent with the notice of hearing. However, the contact procedures required by 20 CFR 404.938 and HALLEX §§I-2-4-25.C.3.b and I-2-3-20.B were followed. Additionally, there is no evidence of good cause for the claimant's failure to appear anywhere in the record. Nor is there any evidence present in the record indicating that the claimant suffers from a physical, mental, educational, or linguistic limitation of sufficient severity to prevent the claimant from understanding the notice of hearing, to prevent the claimant from understanding the need to appear at the hearing, or to prevent the claimant from appearing at the hearing. The claimant acknowledged in materials submitted in connection with the application for benefits a high school education and the ability to speak, understand, read, and write in English. The undersigned also notes that although the claimant has been diagnosed with one or more medically determinable mental impairments; that the medical evidence indicates that the claimant's mental impairments produced only mild to moderate symptoms or limitations. (Exhibit 3A/7, 5F). The undersigned finds the claimant's mental impairments are not so severe as to prevent the claimant from understanding the notice of hearing, understanding the need to attend the hearing, or from actually attending the hearing. (20 CFR 404.957 (b)(2), *cf.* 20 CFR 404.911, SSR 91-5p). Therefore, in accordance with HALLEX I-2-4-25.C.3.a, the undersigned finds that further development of the issue of good cause for the claimant's failure to appear is not necessary.

The undersigned has considered the factors set forth in 20 CFR 404.957 (b)(2) and finds that there is no good cause for the claimant's failure to appear at the time and place of hearing. The record contains no indication that the claimant suffered from any physical, mental, educational, or linguistic limitations — including any lack of facility with the English language — which would have prevented the claimant from understanding the notice of hearing, attending the hearing, or understanding the need to attend the hearing. As mentioned above, the claimant

See Next Page



acknowledged in materials submitted in connection with the application for benefits a high school education and the ability to speak understand, read, and write in English. Additionally, although the claimant does suffer from one or more medically determinable mental impairments, the evidence of record indicates that these mental impairments were not so severe as to prevent the claimant from attending the hearing or understanding the need to attend the hearing. (Exhibit 3A/7, 5F) (cf. 20 CFR 404.911, SSR 91-5p)

Accordingly, the request for hearing dated July 11, 2016 is dismissed and the determination dated May 13, 2016 remains in effect.

/s/ *Brenton L Rogozen*

Brenton L Rogozen  
Administrative Law Judge

April 4, 2018

Date